



March 18, 2005

ENGROSSED SENATE BILL No. 231

DIGEST OF SB 231 (Updated March 16, 2005 12:06 pm - DI 109)

Citations Affected: IC 20-8.1.

Synopsis: Kindergarten enrollment date. Provides that a child must be at least five years of age on August 1 of the 2006-2007 school year or a subsequent school year to enroll in a school corporation's kindergarten program for that year. (Current law provides that a child must be at least five years of age on July 1.)

Effective: July 1, 2005.

Lubbers, Rogers

(HOUSE SPONSORS — BEHNING, PORTER)

January 4, 2005, read first time and referred to Committee on Education and Career Development.

January 27, 2005, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

February 17, 2005, amended, reported favorably — Do Pass.

February 21, 2005, read second time, ordered engrossed.

February 22, 2005, engrossed.

February 24, 2005, read third time, passed. Yeas 34, nays 15.

HOUSE ACTION

March 8, 2005, read first time and referred to Committee on Education.

March 17, 2005, reported — Do Pass.

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ES 231—LS 6461/DI 71+



March 18, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 231

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-8.1-3-17 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) Subject to the
3 specific exceptions under this chapter, each individual shall attend
4 either a public school which the individual is entitled to attend under
5 IC 20-8.1-6.1 or some other school which is taught in the English
6 language.
7 (b) An individual is bound by the requirements of this chapter from
8 the earlier of the date on which the individual officially enrolls in a
9 school or, except as provided in subsection (h), the beginning of the fall
10 school term for the school year in which the individual becomes seven
11 (7) years of age until the date on which the individual:
12 (1) graduates;
13 (2) reaches at least sixteen (16) years of age but who is less than
14 eighteen (18) years of age and the requirements under subsection
15 (j) concerning an exit interview are met enabling the individual to
16 withdraw from school before graduation; or
17 (3) reaches at least eighteen (18) years of age;

ES 231—LS 6461/DI 71+



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whichever occurs first.

(c) An individual who:

(1) enrolls in school before the fall school term for the school year in which the individual becomes seven (7) years of age; and

(2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the individual is reenrolled as required in subsection (b). Nothing in this section shall be construed to require that a child complete grade 1 before the child reaches eight (8) years of age.

(d) An individual for whom education is compulsory under this section shall attend school each year:

(1) for the number of days public schools are in session in the school corporation in which the individual is enrolled in Indiana; or

(2) if the individual is enrolled outside Indiana, for the number of days the public schools are in session where the individual is enrolled.

(e) In addition to the requirements of subsections (a) through (d), an individual must be at least five (5) years of age on:

(1) July 1 of the ~~2001-2002~~ **2005-2006** school year; **or**

(2) **August 1 of the 2006-2007 school year** or any subsequent school year;

to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (g), the governing body of the school corporation shall adopt a procedure affording a parent of an individual who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent of the school corporation for enrollment of the individual in kindergarten at an age earlier than the age that is set forth in this subsection.

(f) In addition to the requirements of subsections (a) through (e), and subject to subsection (g), if an individual enrolls in school as permitted under subsection (b) and has not attended kindergarten, the superintendent of the school corporation shall make a determination as to whether the individual shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (g).

(g) To assist the principal and governing bodies, the department shall do the following:

(1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent of the school corporation under subsection (e).

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(2) Establish criteria by which a governing body may adopt a model assessment which will be utilized in making the determination under subsection (f).

(h) If the parents of an individual who would otherwise be subject to compulsory school attendance under subsection (b), upon request of the superintendent of the school corporation, certify to the superintendent of the school corporation that the parents intend to:

(1) enroll the individual in a nonaccredited, nonpublic school; or

(2) begin providing the individual with instruction equivalent to that given in the public schools as permitted under section 34 of this chapter;

not later than the date on which the individual reaches seven (7) years of age, the individual is not bound by the requirements of this chapter until the individual reaches seven (7) years of age.

(i) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in subsection (b)(2). Each exit interview must be personally attended by:

(1) the student's parent or guardian;

(2) the student;

(3) each designated appropriate school employee; and

(4) the student's principal.

(j) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

(1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and

(2) at the exit interview, the student provides written acknowledgment of the withdrawal and the student's parent or guardian and the school principal each provide written consent for the student to withdraw from school.

(k) For the purposes of this section, "school year" has the meaning set forth in IC 21-2-12-3(h).

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SENATE MOTION

Madam President: I move that Senator Rogers be added as second author of Senate Bill 231.

LUBBERS

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 231, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 26, reset in roman "subject to subsection (g),".

Page 2, line 27, reset in roman "shall".

Page 2, line 27, delete "may".

and when so amended that said bill do pass and be reassigned to the Committee on Appropriations.

(Reference is to SB 231 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 11, Nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 231, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 21, after "year;" insert "**or**".

Page 2, line 22, delete "year; or".

Page 2, line 23, delete "(3) September 1 of the 2007-2008 school".

Page 2, run in lines 22 through 23.

and when so amended that said bill do pass.

(Reference is to SB 231 as printed January 28, 2005.)

MEEKS, Chairperson

Committee Vote: Yeas 8, Nays 2.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 231, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BEHNING, Chair

Committee Vote: yeas 8, nays 4.

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